

*City of Las Vegas*

**AGENDA MEMO**

**PLANNING COMMISSION MEETING DATE: JUNE 11, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAR-34260 - APPLICANT/OWNER: PAUL KOLODZIEAK**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL**, subject to:

**Planning and Development**

1. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

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**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Variance to allow an 8-foot side yard setback, where a 10-foot side yard setback is the minimum required on a 0.12 acre site located at 2640 Port of Call Drive. The applicant is proposing to build a room addition on the back side of the residence that will encroach two feet into the required 10-foot side yard setback of the property. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
12/01/86	The City Council approved a request for Annexation [A-0020-86(A)] of property generally located on the south side of Cheyenne Avenue, west of Buffalo Drive. The Planning Commission recommended approval of the request.
06/03/87	The City Council approved a request for Reclassification of property (Z-43-87) from N-U (Non-Urban) to R-PD5 (Residential Planned Development – 5 Units per Acre) and C-1 (Limited Commercial) and C-2 (General Commercial), generally located west of Buffalo Drive between Lake Mead Boulevard and Cheyenne Avenue. The Planning Commission recommended approval of the request.
04/27/89	The Board of Zoning Authority approved a request for a Variance (V-0018-89) to allow a proposed 6-foot height project perimeter wall with 7 and a half foot high pilasters where 6-foot is the maximum height allowed in side and rear yards areas, and 4-foot with the top 2 feet 50% open is the maximum height allowed in the front yard area generally located west of Buffalo Drive between Lake Mead Boulevard and Cheyenne Avenue.
<b><i>Related Building Permits/Business Licenses</i></b>	
No building permits have been issued for the subject property.	
<b><i>Pre-Application Meeting</i></b>	
04/16/09	A pre-application meeting with the applicant was held where elements of submitting a Variance were discussed topics included: <ul style="list-style-type: none"> <li>• Application Materials and Documents</li> <li>• Meeting Dates and Deadlines</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	
<b><i>Field Check</i></b>	
05/07/09	During a routine site inspection Staff observed a well maintained single-family residence.

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<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.12

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Residence	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
North	Single-Family Residence	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
South	Single-Family Residence	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)
East	Lake	PR-OS (Park / Recreation / Open Space)	R-PD5 (Residential Planned Development – 5 Units per Acre)
West	Single-Family Residence	L (Low Density Residential)	R-PD5 (Residential Planned Development – 5 Units per Acre)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	N/A
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

## DEVELOPMENT STANDARDS

*(Pursuant to development standards set forth in Z-43-87)*

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Setbacks			
• Front	10'	12'	Y
• Side	10' Total	8'	N
• Rear	10'	22'9"	Y

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## **ANALYSIS**

This is a request for a Variance to allow an 8-foot side yard setback, where a 10-foot side yard setback is the minimum required on a 0.12 acre site located at 2640 Port of Call Drive. The site is presently being utilized for a single-family residence. The applicant is proposing to build a room addition on the back side of the residence that will encroach two feet into the required 10-foot side yard setback of the property. The subject property is situated on an irregularly shaped lot with a front property line which is 15 feet wider than the rear property line, creating a lot that narrows toward the rear property line. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance.

## **FINDINGS**

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature.”

Additionally, Title 19.18.070L states:

“Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.”

Evidence of a unique or extraordinary circumstance has been presented, in that the subject property is situated on an irregularly shaped lot with a front property line which is 15 feet wider than the rear property line, thereby creating a lot which narrows significantly and impacts the ability for development on the lot. Since this request does not jeopardize the health, safety and general welfare of the citizenry, staff is recommending approval of this request for a Variance.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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## **ASSEMBLY DISTRICT** 4

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**SENATE DISTRICT**                      6

**NOTICES MAILED**                      293

**APPROVALS**                              6

**PROTESTS**                                3